REMARKS

Applicants thank the Examiner for carefully reviewing the claims and responding to the Applicants' previously presented arguments. Claims 1-25 were rejected in the Office Action mailed February 13, 2009 (hereinafter "Office Action"). Applicants have canceled and amended some of the claims in response to the rejection. Claims 1, 3-12, 14-29 are currently pending. Claims 2 and 13 have been canceled; their elements have been incorporated into independent claims 1, 12, 24, and 25. Claims 1, 3, 11, 12, 14, 23, 24, and 25 are currently amended. Claims 26-29 are newly added.

Rejection under 35 U.S.C. 103

The Examiner has rejected independent claims 1, 12, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication US 2002/0041292 by Son et al. (hereinafter "Son") in view of U.S. Patent No. 6, 993,362 issued to Aberg (hereinafter "Aberg"). Applicants respectfully traverse this rejection based on the amendments *supra* and arguments presented *infra*.

Applicants respectfully submit that any combination of Aberg and Son fails to disclose, teach, or suggest all the elements of the newly amended independent claims. The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S.   , 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at **37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Newly amended claim 1 recites, *inter alia*, "displaying on the user interface and loading into memory the first subset of UI elements selected in step (iii); wherein as the first subset of UI elements is *unselected* the first subset of UI element are *not displayed and unloaded from memory*, and a second subset of UI elements are displayed according to steps (i) through (iv) as performed for the first subset of UI elements" (emphasis added). The support for the amendments can be found *inter alia* in Applicants' U.S. Patent Publication 2007/0266316 A1 (hereinafter "Applicants' Publication"), paragraphs. 0041-0076, thus no new matter has been added. Claims 12, 24, and 25 have been similarly amended to include the same elements.

Applicants respectfully submit that the Examiner has misunderstood the scope and purpose of the Applicants' invention. The Office Action states, "It would have been obvious to an artisan at the time of the invention to include Aberg's teachings into Son's user interface in an effort to increase user operability by creating an *easily accessible sub-menu that contains frequently used items*," at page 3 (emphasis added). Applicants' agree that the combination of Aberg and Son would result in a potentially user-friendly and user-configurable interface. However, the Applicants' invention is directed toward reducing resource consumption on the wireless device by "not displaying and unload[ing] from memory" UI elements which are no longer selected, as recited in claim 1, 12, 24, and 25. Therefore, the scope and purpose of the Aberg/Son combination is completely different than the scope and purpose of the Applicants' invention.

Aberg fails to disclose, teach, or suggest the newly added elements in the amended independent claims. As stated in the Office Action mailed February 13, 2009 at page 3, "Son does not explicitly disclose as the selected subset of UI elements changes, the UI elements no longer on display are discarded and the UI elements on display are loaded into memory." Thus, the Examiner relies on Aberg to disclose, teach, or suggest that "a mobile telephone [is] capable of creating a dynamic menu by selectively adding and removing menu items." *Id.* Aberg discloses a "SPECIAL" top-level menu as show in FIG. 3, col. 5 line 61 through col. 7 line 28. The "SPECIAL" menu is user-configurable and designed to be a shortcut menu for the user of the wireless device. *See* Aberg col. 5, line 62 through col. 6, line 5. But, other than being user-configurable, the "SPECIAL" menu is otherwise included as a "part of the overall menu structure," at col. 6, lines 8-10. Stated differently, the "SPECIAL" menu is otherwise treated as a normal user-interface menu within Aberg's invention. One could even characterize the

"SPECIAL" menu as a speed-dial for commonly used menu elements such that the user need not "learn the structures of two separate menus i.e. a short menu and an extended menu," at col. 6, lines 4-5. Using Aberg's invention, the user could create a customized menu of commonly-used top-level menu items or sub-menu items because the user-configurable items in the "SPECIAL" menu merely invoke the menu's function "in precisely the same manner as if the particular menu item *were selected via any of the regular menus elsewhere in the menu system*," (emphasis added) at col. 6, lines 21-24.

Aberg and Son fail to disclose, teach, or suggest a user interface system which reduces resource requirements on the wireless device as recited in the newly amended claims. Aberg's "SPECIAL" menu is not optimized to reduce power consumption or demand for resources on the device. In fact, Aberg teaches away from reducing resource requirements because the "SPECIAL" menu is comprised of elements which already exist in other top-level menus. Thus, Aberg's "SPECIAL" menu requires more memory and processing to be enabled in a device because, while potentially user-friendly, the "SPECIAL" menu is yet another menu which must be stored and loaded on the device.[1] The extra power and resource consumption is the trade-off Aberg's invention is willing to make to increase usability of the wireless device. Further, Aberg fails to disclose, teach, or suggest "displaying on the user interface and loading into memory a first subset of UI elements" and when the first subset of UI elements are unselected, then "the first UI elements are not displayed and are unloaded from the memory means, and a second subset of UI elements are displayed according to how the first subset of UI elements was displayed," as recited in claim 1, 12, 24, and 25. Under the combination of Aberg and Son, there is no disclosure, teaching, or suggestion to unload the menu items within the "SPECIAL" menu; therefore, the combination of Aberg and Son fails to disclose, teach, or suggest all the elements in newly amended claims 1, 2, 24, and 25.

The Applicants' invention could be used to optimize any type of user interface element, be it a user-configurable menu (similar to Aberg's "SPECIAL" menu) or a top-level menu (as described in Aberg's FIG. 3). *See* top-level menu Settings 100 and Phonebook 200 of Aberg. As such, it may be illustrative for the Examiner to see how the Applicants' invention could optimize the "SPECIAL" menu system disclosed in Aberg. With reference to FIG. 3 of Aberg, assume the

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[1] "top-level menu, which is dynamic (the contents may be modified by the user) and is accessible through the normal menu system of the mobile telephone," at Aberg col. 5, lines 62-65.

(AMENDMENTFORM.VER1.0-07/30/03)

"Name Recall" (311) element were currently selected and corresponds to "a first subset of UI elements" as stated in the Applicants' newly amended claim 1. Assume further that the "Ring Type" (312) corresponds to "the second subset of UI elements" as stated in Applicants' newly amended claim 1. Assume further that "Name Recall" (311) is currently selected. If the user were to navigate to the "Ring Type" (312) menu, then the "Name Recall" (311) element would be unselected and the "Ring Type" (312) element would become selected. According to the Applicants' newly amended claims, the "first subset of UI elements" (in this case, the "Name Recall" menu element) would be "unloaded from memory," and the Ring Type ("the second subset of UI elements") would be then loaded and displayed because the "second subset of UI elements are displayed according to how the first subset of UI elements was displayed," which would only load and display *currently selected* UI elements. Aberg, *without the benefit of the Applicants' invention*, simply loads all the "SPECIAL" menu items into memory whether or not they are currently selected by the user. Thus, the combination of Aberg and Son fails to disclose, teach, or suggest all the claimed elements as recited in the newly amended claims.

Applicants' patent application even describes at length the failings of convention menu systems (such as the one proposed by the combination of Aberg and Son). At paragraph 0041 of the Applicants' Publication:

> One of the limitations that is common in many mobile devices is that the display screen is quite small and when a menu is displayed it is not always possible to display all of the menu items on the screen at one time. *Conventional approaches* [such as the Aberg/Son combination] *tend to load all of the menu items into memory, along with associated icons or graphics, and then display them appropriately as the user scrolls up or down the menu*. This approach is *not* an efficient technique for devices that are resource limited, such as mobile telephones. (emphasis added)

Thus, one of skill in the art should be able to appreciate that the combination of Aberg and Son not only fails to disclose, suggest, or teach the newly amended claimed invention, but also that systems such as the Aberg/Son combination are resource-intensive implementations and not well-suited for the resource limited environment of the mobile device.

Dependent claims 3-11, and 14-23 incorporate all limitations of the newly independent claims and are likewise allowable for at least the same reasons as the newly amended independent claims. The Applicants respectfully request allowance of the dependent claims.

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Newly Added Claims

Dependent claims 26-29 are newly added and share similar elements and limitations as one another. Claim 26 recites, *inter alia*, "wherein the plurality of UI elements contains images and text strings operable to display a menu, and the first subset of UI elements contains a first image and a first text string chosen from the plurality of UI elements, the first image and the first text string operable to display a menu entry on the user interface." Support for this claim can be found in paragraphs 0043-0076 of the Applicants' US Publication 2007/0266316 A1.

Applicants believe these newly added dependent claims are allowable for at least the same reasons that claims 1, 12, 24, and 25 are allowable. Further, Applicants believe these newly added claims clearly demonstrate how the Applicants' invention could be applied and used in a Son/Aberg-like system in order to reduce resource consumption and increase performance.

Conclusion

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: _____
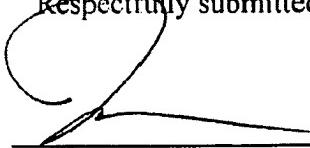
Nicholas A. Cole
Reg. No. 60,957
(858) 658-1834

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-2426
Facsimile: (858) 658-2502